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Supreme Court, U.S.
FILED
JUN 1 1988
JOSEPH F. SPANIOL, JR.
CLERK

NO. 85-1849

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1985

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In answer to the Petition, Valley National Bank, the current Administrator, (as per Rule 28, it is a wholly owned subsidiary of Banks of Iowa), and its attorney, Bernard J. O'Malley, state that:

1. The frivolousness of this Writ on its surface is as clearly evident as reflected in the Circuit Court of Appeals finding that the Appellants arguments are frivolous and without merit and as reflected in the United States District Court for the Southern District of Iowa, Central Division, decision dismissing the original action.

2. Said Petition for the Writ continues the Petitioners' abuse of the legal process and perpetuates the dissemination of inaccurate statements of the full facts, excerpts out of context as they relate to entire proceedings, statements and misinterpretations of the real situation.

3. There is no Constitutional issue of any merit, and there has been no where any

denial of any judicial process in the lower courts. In fact, they have had issues reheard and rehashed several times with unsuccessful appeal(s) to the Iowa Supreme Court, and now come to the Federal Court for another rehash, raising for the first time their claim that the Iowa Distirct and Supreme Courts in which they unsuccessfully exhausted their remedies, are now of no viable existence or authority now that they have lost.

4. If people, like these Petitioners, could be self-appointed "next friend" of a decedent, then the probate procedures and personal representative appointments would be of no use and meaning and the probate procedures of the entire country would be in chaos. The Petitioner, Benford Walker, was an executor, obviously satisfied by his position and removed for abuse of the same, and when the Supreme Court of the State of Iowa overturned the Will on three out of three grounds, these Petitioners accelerated their tirade against

the other heirs, courts, anyone else who attempted to uphold justice and thwarted their actions resulting in what would be considered a rather simple estate under normal standards to become complex and litigious and still opened after approximately seven and one-half years.

4. An adverse decision or losing is not a denial of due process and equal protection of the law nor a deprivation of rights.

5. The long existing well tested laws of descent in this State are sufficient remedies for disposition of property of a decedent and fully satisfies the requirements of procedural due process.

6. The long existing procedure of appointment of judges in the State of Iowa, and although never raised in any estate proceeding, no where denies the Petitioners the fundamental requirement of due process and an opportunity to be heard, and which opportunity was granted at a meaningful time and in a

meaningful manner. The only thing the judicial system has not done is been favorable in decisions to their losing or frivolous causes.

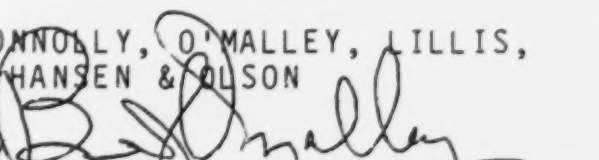
7. Because of the subject matter of this Writ and the unusualness of its contentions, no citations or brief is further presented. Frivolity must not breed more frivolity.

Needless to say, the overturning of our judicial system and the overturning of the Iowa Probate Code to the extent of allowing a person to be a self-appointed "next friend" of a decedent who disagrees with a personal representative or the Supreme Court, speaks for itself and would have far reaching effects upon the system itself far beyond any effect on the case at bar. The Court can see there has been no deprivation of any rights of these Petitioners in any proceeding.

WHEREFORE, the Petitioners' Writ of Certiorari should be denied.

Respectfully submitted,

CONNOLLY, O'MALLEY, LILLIS, HANSEN & OLSON

By 

Bernard J. O'Malley
820 Liberty Building
Des Moines, Iowa 50309